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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 18 (b) of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *200201053*

ENG

Effective Functioning of National Human Rights Institutions in Asia

1. There are some fundamental problems affecting national human rights institutions in Asia which need to be addressed if these bodies are to be effective and win the confidence of the people in their respective countries. In some countries in Asia the juridical framework has collapsed, as for example in Pakistan since the military takeover. In others very serious obstacles are made to its functioning, as for example in Malaysia, Singapore, Indonesia, Bangladesh, Nepal, Cambodia and Sri Lanka. In a few places the juridical framework is only in its initial stages, as in China and Vietnam. National human rights institutions must therefore be seen in the light of the juridical framework in their respective locales.

2. National human rights institutions cannot substitute for the normal functioning of the juridical system of a country as envisaged by the International Covenant on Civil and Political Rights (ICCPR). The components of a juridical system are a police system, a prosecution system and a judicial system. These interrelated bodies are the primary agents for the protection of the people from violations of human rights and fundamental freedoms. Where impunity prevails due to an ineffective juridical framework, a national human rights institution trying to act as a substitute and provide redress is engaging in an impossible task. It is also doing the flawed juridical system a favour, by saving it from domestic and international criticism. Thus instead of dealing with the problems of the juridical system, attention is misdirected towards the national human rights institution—which even if functioning perfectly could not undertake the role of a proper juridical system. Under any circumstances, when a juridical system is fundamentally flawed national human rights institutions cannot do their work effectively, except in peripheral areas.

3. The Asian Legal Resource Centre believes that in countries where the basic juridical framework is seriously flawed the efforts of national human rights institutions should be directed towards drawing the attention of the state to that condition with a view to reform. For example, where criminal investigations fail to adequately address large-scale concerns such as extrajudicial killings, disappearances and torture, national human rights institutions must expose the incapacity of the juridical system to deal with these violations and make the public aware of recommendations for remedies. If instead of doing this national human rights institutions try to undertake the functions normally reserved for institutions of administration of justice the scope of their activities will soon be so vast as to completely exhaust their resources and power. A national human rights institution is not a law enforcement agency, nor is it a part of the judiciary. Therefore the very idea of it taking over the functions of these institutions conflicts with its actual function as a monitoring body over the system of administration of justice. If by contrast the monitoring function is properly developed and carried out the institution can do an enormous service in promoting and protecting human rights.

4. The Asian Legal Resource Centre has observed that where national human rights institutions conduct inquiries into torture, these often end in financial settlements. Torture is a serious crime and systemic torture is a crime against humanity. It is difficult to comprehend the principles that allow these cases to be settled by monetary payment. That the payments themselves are low is beside the point. If acts of torture are prosecuted under the normal laws within a country the punishment is likely to be much higher and its deterrent effect on law enforcement agencies would be greater. Where the Convention against Torture is not yet part of domestic law, as in India, national human rights institutions should exercise pressure for its ratification and incorporation into domestic law.

5. National human rights institutions in many Asian countries have done a useful service in visiting persons under arrest and documenting their cases towards the prevention of torture. Facilities for local officers of national human rights institutions should be improved to allow them to engage in direct intervention of this sort.

6. National human rights institutions also need to improve facilities for urgent communications by victims. In some countries functioning 24-hour telephone hotlines have been developed. Given the rapid pace of electronic communication systems, national human rights institutions can improve their capacity for dealing with violations within a short time, and thus protect the rights of people—particularly from extrajudicial killings, disappearances and torture.

7. Officers of national human rights institutions working in more difficult regions, such as those facing civil strife, are subject to many obstacles in undertaking their tasks. National human rights institutions should negotiate greater protection for their staff and other human rights groups working in such situations.

8. National human rights institutions in Asia can serve a great educational function if communication facilities available to the state—such as newspapers, radio and television—are used creatively and effectively for this purpose. To that end, national human rights institutions should develop their own media and education units. Human rights education in schools and higher education institutions can also be improved through the intervention of national human rights institutions.

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COMMISSION ON HUMAN RIGHTS
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PROMOTION AND PROTECTION OF HUMAN RIGHTS: HUMAN RIGHTS DEFENDERS

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *200201053 5*

ENG

Human rights defenders in Asia

1. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms recognizes the obligation on the part of all people and organisations to be active in promoting and protecting human rights. In this submission the Asian Legal Resource Centre examines the performance of some states and civil society groups in Asia vis-à-vis the obligations under this Declaration.

2. Article 2 of the Declaration casts the primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms on the state. Sadly, during the last year developments in Asia have tended in the opposite direction. The spread of national security laws has eaten into the fabric of protection mechanisms for human rights in Asia and increasingly obstructed the enjoyment of fundamental freedoms. For example, Malaysia has extended the use of national security laws to restrict all expressions of dissent. Many persons have been detained without trial and some convicted by an unjust process that has denied them their basic rights. Internal security laws have also been tightened in India and Nepal under the pretext of controlling terrorism. Under national security laws, remand periods and monitoring of personal communications have increased, provisions for bail, legal assistance or appeal curtailed, trials held in secret, witness identities concealed, people related to or with tenuous links to suspects detained without charge, and capital punishment invoked without the accused proven guilty. These conditions have affected the implementation of all human rights and fundamental freedoms in Asian societies. The will of the society to seek expression of rights and expand freedoms is retarded—if not crushed—by these actions.

3. Article 3 of the Declaration speaks of a juridical framework within which human rights and fundamental freedoms should be implemented. However this framework in many Asian countries is so defective that immense reforms are needed to bring them up to the task. The juridical framework of Pakistan, for instance, suffered complete collapse with the military takeover; while it had many defects even before the takeover, afterwards the population came to perceive the judiciary as subordinate to the military. In Asia most police forces are seen as both not independent and also ineffective, while the military extends its influence into all aspects of society. In Indonesia for instance, despite the demise of the Soeharto dictatorship, the military grip on all areas of society remains intact. Asian law enforcement agencies lack an upstanding tradition, new institutions in the place of military ones, and resources. In Cambodia, eight years after the UN-sponsored election the judicial, prosecuting and police institutions do not constitute any kind of credible framework as required by the Declaration. In China, legal reforms are still at a very early stage, and the independence of the judiciary is recognized only in abstract. The judiciary has no powers to intervene in disputes between the state and individuals, and therefore individuals do not have adequate remedies as required by article 9 of the Declaration. The extent of the collapse of the judicial framework in Sri Lanka is evident in the total loss of confidence in the law by people there. The Sri Lankan Attorney General's department has proven unable to prosecute literally thousands of cases due to direct or indirect pressures, and a lack of resources and independent power. As for Myanmar, there is no juridical framework of any form that would meet the requirements of the Declaration. Thus violations of the rights of people by failure to comply with articles 2, 3 and 9 of the Declaration are quite noticeable in the region.

4. The Declaration casts obligations not only on states but also on individuals and groups. It is the duty of civil society organizations, educational institutes, groups promoting morality and others to be engaged in promoting a basic juridical framework within which the realization of rights is possible. Mere abstract promotion of human rights ideas—without

trying to understand and promote such a juridical framework—remains one of the defects of such groups in the region, including those in the human rights movement. There must be a common effort to find ways towards an institutional framework for the realization of rights throughout Asia and the globe.

5. Until juridical frameworks of the sort referred to in the Declaration are thoroughly developed, it is necessary to develop measures to bring to draw attention to violations, even when it may not be possible to get protection from the authorities. Given the development of global communication systems it is possible develop various forms of intervention, such as urgent appeals and special task forces. The state must be encouraged to develop protective agencies and provide the means and facilities to relevant groups by which they may exercise their protective functions. As experience in India shows, the judiciary can play an active role in independent initiatives towards urgent interventions. Civil society groups can also develop their own systems of quick communication and intervention. Experience demonstrates that people from all over the world can intervene within a short time when they are informed of violations of rights. Human rights education should also be developed to make it possible for more and more people to intervene and protect rights.

6. The Asian Legal Resource Centre welcomes the appointment of a Special Representative with a wide mandate to promote the objectives of this Declaration. The Special Representative needs the support of every state and the international community as a whole. In particular, the Special Representative needs the help of all civil society organizations. The Asian Legal Resource Centre urges the special representative to intervene on behalf of groups most exposed to violations, such as Dalits and all so-called low caste groups in India, South Asia and elsewhere. The Asian Legal Resource Centre also urges the Commissioner to allocate more resources for urgent interventions by the Special Representative.

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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 3 of the provisional agenda

ORGANIZATION OF THE WORK OF THE SESSION

Written statement* submitted by the Colombian Commission of Jurists, a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *0020105 37*
ENG

COLOMBIA

The Colombian Non-Governmental and Social Organisations hereby make known that the serious human rights and humanitarian law situation in Colombia compromises the Government's responsibility and requires strong and decisive action on the part of the United Nations Commission on Human Rights (UNCHR).

Despite the lack of co-operation from the Government, the Office of the United Nations High Commissioner for Human Rights in Colombia (UNHCHR) has been adequately fulfilling its mandate. The Colombian Government, however, continues to disregard the Commission's recommendations and those of other mechanisms, discrediting United Nations Delegates and failing to honour the commitments it has acquired before this Commission.

From June 2000 to June 2001, an average of 20 people were killed or disappeared daily due to socio-political violence: Twelve died through extra-judicial executions, more than one person was disappeared daily, one individual was killed daily for belonging to marginalised social sectors, and over five died per day in combat.

85% of the human rights violations and breaches of humanitarian law for cases in which the generic responsible party is known, were attributed to Government agents: 3,4% directly (106 victims) and 81,6% indirectly through paramilitary groups (2.545 victims). Guerrilla groups are purportedly the perpetrators of 15% of these cases (468 victims).

In 2001, more than 3000 people were kidnapped. Approximately 60% is attributed to guerrilla groups, 10% to paramilitary organisations, and 33% to common criminals.

The level of impunity is alarming. Trials for human rights violations continue to fall under the jurisdiction of the military justice system. The progress made by the Attorney General Office's Human Rights Unit may be undermined by the orientation of the new Attorney General, who has watered-down that Unit's role. An example of this was his improper intervention in a trial against former Army General Rito Alejo del Río, who was under investigation for having promoted paramilitary groups when the Attorney General threatened the autonomy and independence of the prosecutors, who are legal officials.

A national security law, which seriously erodes the Rule of Law, was enacted in August 2001 (Law 684), in complete disregard for the Constitution and international legislation: it grants undue prerogatives to the security forces and creates new mechanisms of impunity for the members of those forces, sets up a new type of state of emergency which is outside of the Constitution, imposes military authority over civil authority, allows for the consideration of the civilian population as one of the combatants, and institutes a fourth power "national power" (which is totally separate from the three branches of government contemplated constitutionally), based on the "doctrine of national security."

An anti-terrorist strategy, which was announced as under development in the aforementioned law, and which includes anti-democratic measures: Holding minors criminally responsible and establishing secret legislative processes, among others.

The Actions of Paramilitary Groups were not confronted decisively by the government; not in the "Six (6) Point Plan" nor in the "Co-ordination Centre" which were so pompously announced by

the Vice president before this Commission yielded significant results, despite repeated international recommendations.

In 2001, paramilitary groups, acting with the acquiescence, tolerance, complicity and collaboration of government agents, committed forced disappearances, homicides, forced displacements, food and economic blockades, kidnappings and massacres, among others. Early warnings were not taken into account, and those issuing such warnings were often discredited. Paramilitary forces committed 171 massacres (from June 2000 to June 2001); in the town of Chenque (Sucre) 38 people were killed, four (4) disappeared, and many women and girls were raped; in the town of Naya (Cauca), 45 people were tortured and murdered. The Attorney General's Office does not look into these cases of rape and torture. No attention has been paid to well-grounded criminal complaints about the involvement of public servants in these massacres.

The number of people subjected to forced displacements continues to rise. It is estimated that in 2001, 375.000 people were displaced (1,029 per day) for human rights violations, breaches of humanitarian law, indiscriminate pesticide spraying and other actions carried out through US military aid ("Plan Colombia" and "Andean Initiative"), as well as part of other large-scale projects. The government has granted emergency humanitarian aid to only 20% of the displaced.

Most of IDP are peasants and afrocolombians, resulting in disintegration of the social fabric and low production for the rural economy. The government has repeatedly failed to honour its commitments to peasants, afrocolombians and indigenous people. The impossibility of planting on the soil that has been so affected has caused a food crisis in rural areas.

The Special Rapporteur on Violence Against Women stated in November 2001 that the armed participants, including members of the security forces, commit violent crimes and perpetrate sexual slavery against girls and women. These acts remain unpunished: The Attorney General's Office does not investigate as it should.

The Committee on the Rights of the Child observed that the Colombian government does not provide sufficient guarantees for the rights of minors. In 2000, three (3) minors were killed daily. There is no reliable national identification system, a fact which tends to favour disappearances and illegal adoptions. Many children are sexually exploited, and 3,000,000 (21.5%) are not enrolled in the educational system. Moreover, due to the armed conflict, children are the victims of forced recruiting, extra-judicial executions, disappearances and torture.

The loss of the ethnic and cultural identities of Afro-Colombian communities and indigenous peoples has to do with their invisibility, discrimination and subordination in government policies and projects. The physical and political loss of ancestral lands affects their cultural and existence. In 2001, several communities were forcibly displaced; indigenous and Afro-Colombian leaders were killed and disappeared.

The Special Representative of the Secretary General on Human Rights Defenders stated, in October 2001, that attacks on human rights defenders (including journalists and trade unionists as well as social, indigenous, Afro-Colombian, peasant and displaced persons' leaders) rose during 2001. They were the victims of homicides, forced disappearances, murder attempts, wire-tapping, stigmatizing declarations by the authorities, judicial persecution and arrests. Nine (9) members of human rights NGOs were killed between January and November 2001. In 2001, 162 trade unionists were killed, and 79 were disappeared. As a result, several organisations were dismantled.

Several prosecutors and public servants who were investigating human rights violations were persecuted or forced into exile, and some were killed. The Government has not adequately addressed this situation.

The rights of homosexual people are only hesitantly recognised. The Constitutional Court has backtracked on its legal decisions in failing to recognise the rights to social security in view of the sexual preference of the petitioners.

The situation in penitentiaries continues to be serious. The Government has not fulfilled its obligation to protect the life and well-being of the prisoners: It allowed an attack by paramilitary inmates at the Carcel Modelo Penitentiary Institution in Bogota, and there is serious evidence of forced disappearances and kidnappings within the prisons.

In Colombia, most of the population does not enjoy minimal economic, social and cultural rights. Poverty is at 62.7%. Unemployment is at 16.8%, and the government's policies have aggravated the problem and pose a threat to the already precarious conditions of the nation's workers.

The parties continue to perpetrate serious violations of international humanitarian law, including the taking of hostages, which are expressed in the form of kidnapping civilians and holding them against their will.
Among other violations, the Revolutionary Armed Forces of Colombia, FARC massacred seven (7) hikers in Purace in February 2001, and they kidnapped members of an international aid agency; the National Liberation Army, ELN, caused the death of three (3) minors when they placed a bomb in Antioquia in August 2001.
The Government continues to maintain and locate police stations in areas which endanger the lives of the civilian population. The Police report to the Ministry of Defence and they perform counterinsurgency operations, which open them up to attacks by guerrilla groups.
It is important to note ELN's unilateral truce and the humanitarian exchange of prisoners between FARC and the Government, because they may make future global human rights and humanitarian law agreements a possibility.

The signatory organisations support the negotiated solution to armed conflict, along with a serious human rights policy, one which guarantees the rights of the population and victims to the truth, full reparations and just sanctions of those responsible. We demand that the armed parties respect the rights of non-combatants, as well as the signing of humanitarian accords and the will for peace.

Consequently, we ask this Commission to:

Based on the High Commissioner's report and other pertinent information, vigorously show its deep concern for the human rights and humanitarian law crisis in Colombia, as well as for the Government's repeated breaches of the recommendations made.

Renew and strengthen the HCHR's mandate in Colombia, by guaranteeing adequate financing and by supporting the Commission politically.

Urge the Colombian Government to follow the HCHR's recommendations as well as the topical mechanisms.

Name a Special Rapporteur for Colombia as a complementary mechanism to support the

UNHCHR in tracking compliance of recommendations.

Constitute a group within the Commission or of independent experts to analyse why the Colombian Government repeatedly ignores these recommendations and present a report at the Commission's next period of sessions.

Recommend the strengthening of the HCR, in Colombia, as well as an extension of its protective mandate.

Demand that the Colombian Government guarantee the independence of the judiciary and that it undertake effective actions to combat impunity.

Urge the Colombian Government to derogate the norms contained in the law of national security that go against international norms on human rights and humanitarian law.

Demand that the Colombian Government dismantle paramilitary groups.

Request the thematic mechanisms to intensify their attention to the crisis in Colombia and to perform visits.

Ask the High Commissioner to present her report on Colombia also to the United Nations General Assembly.

Issue the decision on all of the foregoing by means of a Resolution, due to the lack of co-operation by the Colombian Government, as shown in its repeated breaches of the recommendations.

FOLLOWING ORGANIZATIONS ALIGN THEMSELVES TO THIS STATEMENT:

1 Asamblea Nacional de jóvenes por la paz
2 Asamblea Permanente de la Sociedad civil por la paz
3 Asamblea por la paz de la Unión Sindical Obrera -USO-
4 Asociación Campesina del valle del río Cimitarra
5 Asociación Colombiana de Estudiantes universitarios
6 Asociación de Afrocolombianos desplazados –AFRODES-
7 Asociación de desplazados -ASODES-
8 Asociación de Familiares de Detenidos Desaparecidos -ASFADDES-
9 Asociación de Trabajo Interdisciplinario -ATI-
10 Asociación Minga
11 Asociación Nacional de Ayuda Solidaria -ANDAS-
12 Asociación Nacional de desplazados de Colombia -ASODESCOL-
13 Asociación Sol y Vida
14 Benposta Nación de Muchachs
15 Casa de la Mujer
16 Central Unitaria de Trabajadores -CUT- Bogotá
17 Central Unitaria de Trabajadores de Colombia -CUT-
19 Centro de Investigación y Educación y Educación Popular -CINEP-
18 Centro Justapaz
20 Colectivo de Abogados José Alvear Restrepo -CAJAR-
21 Colectivo de derechos humanos semillas de libertad -CODEHSEL-

22 Colectivo de jóvenes trabajadores
23 Colpaz
24 Comisión Colombiana de Juristas -CCJ-
46 Comité de Integración del Macizo colombiano -FUNDECIMA-
25 Comité Permanente de Derechos Humanos Seccional Caldas
26 Comité Permanente por la defensa de los Derechos Humanos –CPDH-
27 Confederación de Trabajadores de Colombia –CTC-
28 Confederación General de Trabajadores Democráticos -CGTD-
29 Consejería para los derechos humanos y el desplazamiento -CODHES-
30 Consejo consultivo de la red distrital de personeros estudiantiles
31 Corporación AVRE
32 Corporación Compromiso
33 Corporación Punto de Vida
34 Corporación Regional de Derechos Humanos -CREDHOS-
35 Corporación Reiniciar
36 Corporación Sembrar
37 Defensa de los Niños Internacional sección Colombia
38 Escuela Nacional Sindical -ENS-
39 Foro Costa Atlántica
40 Fundación Cleber
41 Fundación Comité de Solidaridad con Presos Políticos
42 Fundación Cultura democrática
43 Fundación Dos Mundos
44 Fundación Maestros itinerantes
45 Fundación para la Promoción de la Cultura y la educación popular -FUNPROCEP-
47 Funpecis
48 Grupo de Gays y Lesbianas
49 Humanidad Vigente
50 Iglesia Presbiteriana de Colombia, Presbiterio de la Costa Norte
51 Instituto Popular de Capacitación -IPC-
52 La Fundación Menonita Colombiana para el desarrollo –Mencoldes-
53 Organización Femenina Popular
54 Organización Indígena de Antioquia -OIA-
55 Proceso de Comunidades Negras
56 Protectorado civil
57 Redepaz
58 Revista Utopías
59 Taller de Vida

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SPECIFIC GROUPS AND INDIVIDUALS

Written statement* submitted by Centre Europe - Tiers Monde (CETIM), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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GE. * 2 0 0 2 0 1 0 5 4 0 *
ENG

In Defence of Migrants Rights:
A Call for the Promotion and Protection of the Human Rights of Migrants

1. The 57th session of the Commission on Human Rights resolved to "ensure respect for the human rights and fundamental freedoms of all migrants" based on 25 points which articulate how these rights are to be ensured. At the same time, having recognized the serious challenges to the full enjoyment of human rights and the violations of these rights committed against the many vulnerable groups of people who are forced to live and work outside of their countries of origin, the Commission also decided to take the issue to its 58th session "as a matter of priority1."

2. In her report last year, the Special Rapporteur underscored the fact that migration "is the result of a combination of factors2," with structural adjustment and neo-liberal economics playing a fundamental role. Indeed, it is our belief that a key factor in addressing the conditions that compel the migration of peoples is that of an economic framework and a development paradigm that undermine the survival of people and communities. For a number of countries in the Third World, the exportation of human labour is a response not only to the crisis of unemployment but also to the need to boost foreign currency earnings through salary remittances of migrants in order to balance off their trade deficit. What governments fail to realize, however, are the social costs of migration leading to a significant breakdown in family and community life, the reinforcement of materialistic and consumerist values, a lowering of self-esteem of migrants, many of whom are victims of racism and discrimination in receiving countries.

3. On the other hand, economic conditions in Europe and other countries require the presence of a pool of labourers in the service, agricultural, industrial and construction sectors, which otherwise would not survive without migrant labour. These sectors mainly benefit from frontier and seasonal workers, many of whom are not accorded immigrant status despite the fact that taxes and other compulsory payments are being paid to the host country. Also, changing lifestyles and gender roles constitute strong pull factors: as women more and more become part of the workforce, domestic labour and child rearing have become part of remunerated work mainly ascribed to migrant women. Ageing populations and the weakening of social support systems are also benefiting from their care.

4. Recent statistics in Western European countries illustrate the growing significance of domestic work as an area of employment for migrants: a 1997 survey in the United Kingdom reveals that £4 billion was spent annually on domestic labour, an amount which is four times higher than in the previous decade; in France, the Employer's Federation claims that 900,000 of their members engage domestic workers; in Italy, one third of work permits went to domestic workers and in Spain, domestic work constitutes the single area of migrant female employment3. These figures reveal a feminisation of migrant labour with all the vulnerabilities this term brings both to migrant women and the circumstances surrounding their employment. In the United Kingdom, a research conducted by Kalayaan, a support group for migrant workers indicated that 84% of migrant domestic workers have experienced psychological abuse, 34% have been beaten, 54% have experienced imprisonment, 55% have not had a bed and 38% have been deprived of food4. The research also stated that a significant number

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1 E/CN.4/RES/2001/41.
2 E/CN.4/2001/83.
3 Migrant Domestic Workers in Europe: A Case for Action, RESPECT, A European Network of Migrant Domestic Workers, September 2000.
4 Ibid, p.2

experienced sexual abuse and physical harm.

5. The process of European integration has resulted to severe immigration policies as well as the weakening of already existing legislations which ensure integration and freedom of movement for the migrant population. The effects of these policies is evident in the number of undocumented migrants in Europe, now estimated to be 5 million or more, as well as in human trafficking by organized crime syndicates which have had its toll in the lives of thousands of migrants and asylum seekers in recent years.

6. The European Union has laid emphasis on formulating a common asylum and immigration policy. The Tampere Report of 1999 stated that a "comprehensive approach to migration addressing political, human rights and development issues (through partnership with third countries)5" was necessary. It also emphasized the need for "a more vigorous integration policy for those who legally reside in Member States" as well as "measures against racism and xenophobia6", by encouraging Member States to draw up national programmes. However, a real commitment to addressing the challenges related to migration calls for the fundamental act of ratifying the Convention on the Protection of the Rights of All Migrant Workers and Their Families, adopted by the United Nations General Assembly in 1990. To date, only 17 States have signed the Convention and not one Member State from the European Union have acceded to it. Moreover, the aftermath of the September 11 attacks in the United States does not promise much in the way of ensuring the rights of migrants and most especially for those who come under the category of "irregular immigration." In the name of "combating terrorism", stricter controls on the movement of people within the European Union through the Schengen Information System (SIS) as well as broader powers for the Europol to "tackle illegal immigration7" have been proposed.

7. As poverty, war, economic recession and natural catastrophes reinforce the movement of peoples the diversity within societies who are hosts to them has become an irreversible reality. Unfortunately, this diversity has not been matched by the needed changes in perception as well as in the development and promotion of policies that guarantee the genuine integration of the migrant population. In this respect, "control" and "repatriation" as hallmarks of migration management in most of the Western European countries have proven to be far from adequate.

8. The emergence of pluralistic societies requires not only the enactment of laws but also the promotion of values that promote harmony, tolerance and respect for the Other. Thus, a culture of respect for human rights needs to be instilled within relevant government institutions. The educational system also plays a critical role in making the necessary changes that take into account pluralism as a positive factor for enhancing and enriching learning. Schools and institutions of learning should be places where the delicate balance between genuine integration and respect for diversity must find common ground.

9. In view of the above, the Europe-Third World Centre (CETIM) calls on the United Nations Commission on Human Rights to take action on the following:

- To urge all Member States to ratify the Convention on the Protection of the Rights of all Migrant Workers and their Families, adopted by the United Nations General Assembly in 1990.
- To advise all Member States to develop their own national legislation on the human rights of migrants in line with international standards as provided for in the Convention for

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5 Tampere European Council, 15 and 16 October, 1999, Presidency Conclusions, p.3
6 Ibid, p. 4
7 The Enemy Within, Statewatch Report : www.statewatch.org/news/2001/nov/19sis.htm.

the Protection of the Rights of all Migrant Workers and their Families and other international human rights instruments.

- To urge all Member States to work with Non-Governmental Organizations and other migrant support groups in the development of programmes and policies that ensure the respect for human rights of migrants targeting relevant government institutions and their citizens.
- To call for the collective regularisation of undocumented and clandestine migrants in Europe and provide access to open and transparent procedures that do not prejudice the type of employment.
- To encourage members States in Europe to work with the appropriate Non-Governmental Organizations in drawing up a specific regulatory framework that addresses the special vulnerable position of Migrant Domestic Workers.
- To promote the celebration of International Migrant's Day on December 18 annually as a focal point for the promotion and protection of the rights of migrants as well as the celebration of their daily contribution to society.
- To extend the mandate of the Special Rapporteur on the Human Rights of Migrants for another three years, reaffirming the legal framework that was established by the United Nations Commission on Human Rights in 1999 and calling on all Member States to cooperate in the fulfilment of her mandate.